

Chapter 7 - CODE OF ETHICS

Section 7.01 STATEMENT OF PURPOSE.

(a) The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established in the Chapter a Code of Ethics for all Town of Turtle officials and employees, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions of the Town, as well as any individuals who are candidates for elective office as soon as such individuals file nomination papers with the Town.

(b) The purpose of this Ethics Code is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or action that are incompatible with the best interests of the Town of Turtle and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the Town. The Town Board believes that a Code of Ethics for the guidance of elected and appointed officials and employees will help them avoid conflicts between their personal interests and their public responsibilities, will improve standards of public service and will promote and strengthen the faith and confidence of the citizens of this Town in their elected and appointed officials and employees. The Town Board hereby reaffirms that each elected appointed Town official and employee holds his or her position as a public trust, and any intention effort to realize substantial gain through official conduct is a violation of that trust. The provision and purpose of this Ethics Code and such rules and regulations as may be established are hereby declared to be in the best interests of the Town of Turtle.

State Law Reference: Section 19.41, Wis. Stats.

Section 7.02 DEFINITIONS.

The following definitions shall be applicable in this Chapter.

(a) “Anything of value” means any money or property, favor, service, payment, advance, forbearance, loan, pr promise of future employment, but does not include compensation and expenses paid the state, fees and expenses which are permitted and reported under s. 19.56 Wis. Stats., political contributions which are reported under ch.11 Wis. Stats., or hospitality extended for a purpose unrelated to state business by a person other than an organization.

(b) “Elective office” means an office regularly filled by vote of the people.

(c) “Gift” means the payment or receipt of anything of value without valuable consideration.

(d) “Immediate family” means:

(1) An individual’s spouse; and

(2) An individual’s relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of his or her support from the individual or from whom the individual receives, directly or indirectly, more than one-half of his or her support.

(e) “Ministerial action” means an action that an individual performs in a given state of facts in a prescribed manner in obedience to the mandate of legal authority, without regard to the exercise of the individual’s own judgment as to the propriety of the action being taken.

(f) “Organization” means a political organization under whose name individuals who seek elective office appear on the ballot at any election or any national, state, or local unit or affiliate of that organization.

(g) “Political party” means a political organization under whose name individuals who seek elective office appear on the ballot at any election or any national, state, or local unit or affiliate of that organization.

(h) “Public employee” means any person excluded from the definition of a public official who is employed by the Town.

(i) “Public official” means the following persons:

(1) An elective office under Chapter 60 of the Wisconsin Statutes.

(2) An appointive office or position of a local governmental unit in which an individual serves for a specified term, except a position limited to the exercise of ministerial action or a position filled by an independent contractor.

(3) An appointive office or position of a local government which is filled by the governing body of the local government or the executive or administrative head of the local government and in which the incumbent serves at the pleasure of the appointing authority, except a clerical position, a position limited to the exercise of ministerial action or a position filled by an independent contractor.

State Law Reference: Section 19.42, Wis. Stats.

Section 7.03 RESPONSIBILITY OF PUBLIC OFFICIALS

(a) No public official may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family, or for an organization with which he or she is associated. This paragraph does not prohibit a local public official from using the title or prestige of his or her office to obtain campaign contributions that are permitted and reported as required by Chapter 11 of the Wisconsin Statutes.

(b) No person may offer or give to a public official, directly or indirectly, and no public official may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the public official's vote, official actions or judgment or could reasonable be considered as a reward for any official action or inaction on the part of the public official. This paragraph does not prohibit a public official from engaging in outside employment.

(c) No public official or candidate for public office may, directly or by means of an agent, give, or offer or promise to give, or withhold, or offer or promise to withhold, his or her vote or influence, or promise to take or refrain from taking official action with respect to any proposed or pending matter in consideration, or, upon condition that, any other person make or refrain from making a political contribution that, any other person make or refrain from making a political contribution, or provide or refrain from providing any service or other thing of value, to or for the benefit of a candidate, a political party, any person who is subject to a registration requirement under sec. 11.05, Wis. Stats., or any person making a communication that contains a reference to a clearly identified public official holding an elective office or to a candidate for public office.

(d) Except as otherwise provided in paragraph (e), no public official may:

(1) Take any official action substantially affecting a matter in which the official, a member of his or her immediate family, or an organization with which the official is associated has a substantial financial interest.

(2) Use his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the official, one or more members of the official's immediate family either separately or together, or an organization with which the official is associated.

(e) Paragraph (d) does not prohibit a public official from taking any action concerning the lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses or prohibit a local public official from taking official action with respect to any proposal to modify a municipal ordinance.

State Law Reference: Section 19.59, Wis. Stats.

Section 7.04 STATUTORY STANDARDS OF CONDUCT.

There are certain provisions of the Wisconsin Statutes which should, while not set forth herein, be considered an integral part of any Code of Ethics. Accordingly, the provisions of the following sections of the Wisconsin Statutes, as from time to time amended, are made a part of this Code of Ethics and shall apply to public officials and employees whenever applicable, to-wit:

- (a) Sec. 946.10 Bribery of Public Officers and Employees.
- (b) Sec. 946.11 Special Privileges from Public Utilities.
- (c) Sec. 946.12 Misconduct in Public Office.
- (d) Sec. 946.13 Private Interest in Public Contract Prohibited.

Section 7.05 USE OF TOWN PROPERTY

No official or employee shall use or permit the unauthorized use of town-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as Town policy for the use of such official or employee in the conduct of official business, as authorized by the Town Board or authorized board, commission or committee.

Section 7.06 ADVISORY OPINIONS.

Any questions as to the interpretation of any provisions of this Code of Ethics Chapter shall be referred to the Town Attorney. Such requests shall be as detailed as possible and shall be made in writing. Advisor requests and opinions shall be kept confidential, except when disclosure is authorized by the requestor, in which case the request and opinion may be made public.

State Law Reference: Section 19.59(6), Wis. Stats.

Section 7.08 SANCTIONS

A determination that an official's or employee's actions constitute improper conduct under the provisions of this Chapter may, in the case of an employee, constitute a cause of suspension, removal from office or employment or other disciplinary action. In the case of an elected or appointed Town official, the Town Board, upon a review of the facts

with the individual, may official reprimand the official or remove such official from certain committee assignments or responsibilities.